

SOUTHERN GOVERNORS ASSOCIATION

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EXECUTIVE DIRECTOR
Diane C. Duff

May 18, 2007

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: In the Matter of
Public Safety Network in the 700 MHz Broadband
PS Docket No. 06-229/ RM-11348
WT Docket Nos. 06-150, 06-169 and 96-86
Ex Parte Communication

Dear Ms. Dortch

On behalf of the Southern Governors' Association (SGA) and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), undersigned hereby submits notice of an ex parte written communication.

On May 17, 2007, SGA submitted by e-mail the attached letter and resolution to Chairman Kevin J. Martin, and electronically copied Commissioners Michael J. Copps, Jonathan S. Adelstein, Deborah Taylor Tate and Robert M. McDowell. Copies were **also** provided to Daniel Gonzalez, Chief of Staff, Office of Chairman Martin; Dana Shaffer, Deputy Bureau Chief, Public Safety and Homeland Security Bureau; and Kenneth Moran, Deputy Bureau Chief and Chief Preparedness Officer, Public Safety and Homeland Security Bureau.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Sincerely,



Diane C. Duff

attachment

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May 15, 2007

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

The Honorable John M.R. Kneuer
Assistant Secretary for Communications and Information
National Telecommunications and Information Administration
Herbert C. Hoover Building
U.S. Department of Commerce/NTIA
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Chertoff, Chairman Martin and Administrator Kneuer:

On behalf of the Southern Governors' Association (SGA), we are forwarding for your consideration a recently adopted resolution concerning the development of a nationally interoperable public safety communications network.

Southern Governors have spent the last several months exploring the various proposals for developing such a network. Through this process, we have come to recognize that there continues to be significant disagreement about whether the local, state and federal public safety community has access to the necessary tools and resources required construct a nationally interoperable public safety communications network that requirements and characteristics identified as critical to public safety functions. Central to this disagreement is whether there is adequate spectrum available to support public safety's needs and from where the needed financial resources would come.

As the Federal Communications Commission (FCC) moves closer to its statutorily required deadline for beginning the auction to commercial entities of all remaining spectrum that has been made available as a result of the Digital Television Transition, it is particularly concerning that there is still no agreed-upon conclusion between the federal government and the broad public safety community as to how much spectrum is enough.

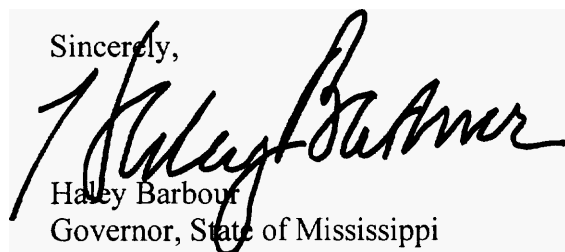
May 15, 2007
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Therefore, by way of the attached resolution, SGA calls upon the key federal decisionmaking departments and agencies, led by the Department of Homeland Security, to immediately convene a dialog with state, local and tribal governments, Federal departments and agencies, the public safety community and the private sector to answer the question of how much spectrum is enough, and from where that spectrum will come. We believe it is critical that the answer to this question be determined prior to the FCC's initiation of auction proceedings so that any required adjustments can be made. In addition, this dialog should identify any other obstacles to achieving a nationally interoperable public safety communications, such as availability of financial resources, and develop recommendations for how to overcome those obstacles.

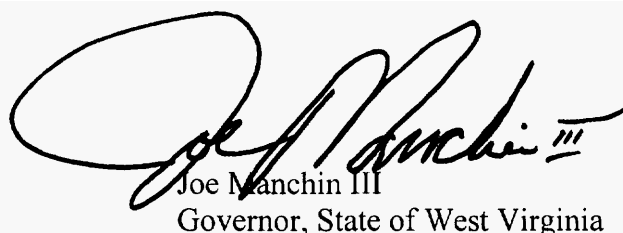
Our effectiveness in responding to large disasters—regardless of whether they are natural or manmade—will continue to be determined largely by our ability to share information quickly under the worst of circumstances. The development of a nationally interoperable public safety communications network that supports both voice and data will only improve our effectiveness in emergency response situations and should be considered a priority. Therefore, we urge you to take the steps necessary to ensure that the necessary resources—including spectrum and funding—will be available to make this network a reality.

We stand ready to work with you to achieve this important goal.

Sincerely,



Haley Barbour
Governor, State of Mississippi



Joe Manchin III
Governor, State of West Virginia

cc: The Honorable Carl Levin, Chairman, Senate Homeland Security and Governmental Affairs Committee
The Honorable Susan M. Collins, Ranking Member, Senate Homeland Security and Governmental Affairs Committee
The Honorable Bennie G. Thompson, Chairman, House Homeland Security Committee
The Honorable Peter King, Ranking Member, House Homeland Security Committee
The Honorable Michael J. Copps, Commissioner, Federal Communications Commission
The Honorable Jonathan S. Adelstein, Commissioner, Federal Communications Commission
The Honorable Deborah Taylor Tate, Commissioner, Federal Communications Commission
The Honorable Robert M. McDowell, Commissioner, Federal Communications Commission

RESOLUTION

Expressing a broad set of principles endorsed by the Southern Governors' Association regarding the development of a nationally interoperable public safety communications network.

Whereas, the Southern Governors' Association recognizes the public safety community as including local, state, and federal police, fire, and emergency medical services personnel, as well as representatives of other critical infrastructure industries including transportation, health care, and utilities;

Whereas, the safety of all of our citizens during a local, regional, statewide or national emergency depends on the ability of the various segments of the public safety community to be able to communicate effectively with each other;

Whereas, the states have all worked diligently with the tools available to achieve public safety communications interoperability for voice at the local and state level;

Whereas, broadband data capabilities would dramatically improve the ability of the public safety community to respond to emergencies, yet the growing demand for these services further adds to the challenge of achieving interoperability;

Whereas, rural areas are particularly challenged with meeting public safety's communications interoperability needs due to a lack of network infrastructure;

Whereas, rural areas should receive equal or the same priority as urban areas for the deployment of network infrastructure for public safety communications;

Whereas, the public safety community does not have sufficient funding to support independently the extensive research and development necessary for continuing innovation on a nationwide interoperable public safety communications network;

Whereas, there remains significant disagreement about whether the public safety community has access to the necessary tools and resources to construct a nationally interoperable public safety communications network, and key among these is adequate spectrum and financial resources;

Whereas, a nationwide interoperable public safety communications network is best achieved through collaboration between the public and private sector, which will allow the public safety community to harness the power of the commercial markets, software, high-speed digital networks, and advances in radio technology;

Whereas, the National Association of Broadcasters reports that 92% of full power television broadcasters have already upgraded their facilities to digital transmission capabilities in preparation for the statutorily required DTV transition on February 17, 2009, indicating that efforts to ensure public safety next generation communications interoperability will not harm this transition;

Whereas, the National Governors Association has embraced “institutionalizing a governance structure that fosters collaborative planning among local, state, and federal government agencies” and “encouraging the development of flexible and open architecture standards” for public safety networks;

Be it Resolved:

The Southern Governors’ Association endorses the following principles and courses of action:

A nationally interoperable public safety communications network should meet all of the following requirements and characteristics:

- Offer broadband data services (such as text messaging, photos, diagrams, and streaming video) not currently available in existing public safety land mobile systems;
- Provide nationwide roaming and interoperability for local, state, and federal public safety agencies (police, fire, and EMS) and other emergency services such as transportation, health care, and utilities;
- Provide access to the Public Switched Telephone Network (PSTN), similar to current commercial cellular services;
- Offer push-to-talk, one-to-one, and one-to-many radio capability that would provide a back-up to (but not replace) traditional public safety land mobile mission critical voice systems;
- Provide access to satellite services to provide reliable nationwide communications where terrestrial services either do not exist or are temporarily out of service;
- Cover 99% of the population in each state—regardless of the population density, as well as most of the critical infrastructure, and support urban, suburban, and rural communities;
- Have sufficient spectrum to draw commercial support;
- Be built with next generation technology;
- Be built to public safety ruggedness specifications to ensure reliability under severely adverse conditions; and
- Ensure priority access for public safety.

In order to ensure the development of a system that meets all of the above characteristics, the Southern Governors’ Association recommends that:

The Department of Homeland Security (DHS) should:

1. Immediately convene a dialog with state, local and tribal governments, Federal departments and agencies, the public safety community and the

- private sector to determine whether sufficient spectrum is available to ensure, accelerate, and attain interoperable emergency communications nationwide and to make recommendations regarding other obstacles to achieving a national, interoperable public safety communications network. The outcome of this dialog should be submitted in writing to the President, Congress and all governors prior to the Federal Communications Commission's (FCC) initiation of proceedings to auction the 60 MHz of spectrum for commercial purposes.
2. Expedite the completion of the baseline assessment for the national emergency communications plan required under the FY 2007 Homeland Security Appropriations legislation so that the plan can take into consideration the upcoming spectrum auction and the potential additional spectrum needs for achieving that plan.
 3. Develop a long-term funding plan for constructing and maintaining the hardware and software aspects of a nationally interoperable next generation public safety communications network.
 4. Ensure that any federal funding provided for the purchase of end-user radio equipment does not restrict state and local governments to any particular type of equipment.

The National Telecommunications Information Administration (NTIA) should:

1. Prioritize proposals that make strides toward achieving interoperability, and should not be overly prescriptive in distributing funding under the currently pending \$1 billion grant program.

The Federal Communications Commission (FCC) should:

1. Ensure the creation of a nationwide interoperable public safety network (or network of networks) that meets the characteristics and requirements outlined above.
2. Expand the opportunity for public comment on proposals offered to achieve a nationwide interoperable public safety communications network, and determine the value of each proposal prior to implementing proceedings to auction the 60 MHz of spectrum.
3. Use a national licensing approach for any public safety network that may be developed—regardless of the source of spectrum allocated for this purpose—provided that a governance structure is created to ensure the administrative, access and technical performance aspects of said network are controlled by state and local public safety representatives, and does not preclude appropriate public-private collaboration on the network's overall development.
4. Equally weigh the needs of the public safety community with the needs of commercial operators.
5. Ensure that public safety has sufficient spectrum to provide an economic basis for public/private partnerships.
6. Expedite the processing of Eligible Telecommunications Carrier (ETC) applications that propose to expand and enhance wireless networks in rural areas to meet public safety needs.
7. Apply specific public safety requirements to at least 10 MHz of the spectrum currently scheduled to be auctioned.

8. Provide priority designation for utilities and others in the public safety community on existing spectrum below 1 GHz in times of emergency.
9. Review regulations that discourage utilities from building shared systems to support public safety communications.
10. Develop a clear model for funding the development of a nationally interoperable next generation public safety communications network.

The federal, state and local public safety community should:

1. Consider adopting an IP protocol as a first step toward eliminating many of the barriers to voice interoperability associated with proprietary technologies and achieving cost saving economies of scale.
2. Review the P-25 standard for emergency communications and determine whether adhering to ~~this~~ particular standard unnecessarily isolates the public safety community from technological advancements being achieved in the commercial arena.
3. Review regulations that discourage utilities from building shared systems to support public safety communications and recommend any actions that may be required to eliminate those regulations that discourage the development of shared systems by utilities that promote interoperable public safety communications.
4. Review any relevant policies and determine how to modify and/or create the appropriate system access priorities for federal, state and local public safety organizations over any nationally interoperable public safety communications network.

Time limited (effective May 2007 through Winter Business Meeting 2009)